

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN DOES, et al.,
Plaintiffs,
v.
DONALD TRUMP, et al.,
Defendant

CASE NO. C17-0178JLR

ORDER FOLLOWING REMAND
ORDER FROM THE NINTH
CIRCUIT COURT OF APPEALS
(RELATING TO BOTH CASES)

JEWISH FAMILY SERVICE OF
SEATTLE, et al.,
Plaintiffs,
v.
DONALD TRUMP, et al.,
Defendant

CASE NO. C17-1707JLR

Before the court is the March 29, 2018, order of the Ninth Circuit Court of Appeals remanding this matter to the district court to address the issue of mootness. (9th Cir. Order (Dkt. # 126).) The Ninth Circuit has not yet issued its mandate. (*See generally* Dkt.) Nevertheless, the remand implicates both of the presently pending

1 motions. (See MTS (Dkt. # 110); MFD (Dkt. # 121).) Assuming the mandate issues,¹
2 the court is likely to deny as moot Defendants' motion to stay these proceedings pending
3 the disposition of the cross-appeals in *Jewish Family Service of Seattle, et al. v. Donald*
4 *Trump, et al.*, No. C17-1707JLR ("JFS Case"). (See MTS.) The court also recognizes
5 that JFS Case Plaintiffs' pending cross-motion for limited expedited discovery
6 concerning Defendants' compliance with the preliminary injunction may implicate the
7 issue of mootness. (See MFD at 3 ("Plaintiffs intend to oppose the motion [before the
8 Ninth Circuit to dismiss the appeal and to vacate the preliminary injunction as moot] and
9 seek a remand to take discovery on mootness, which will largely overlap with the
10 compliance discovery proposed in this motion.").) Thus, JFS Case Plaintiffs may wish to
11 incorporate their discovery arguments into any briefing concerning the issue of mootness
12 following issuance of the Ninth Circuit's mandate.

13 Accordingly, pending the filing of the Ninth Circuit's mandate, the court
14 DIRECTS the Clerk to remove the two pending motions on the docket from its calendar
15 (Dkt. ## 110, 121). The court also ORDERS the parties to file a joint status report within
16 three (3) days of the filing of the Ninth Circuit's mandate proposing how the court should
17 proceed on remand in addressing the issue of mootness. The parties should attempt to
18 agree in good faith on a unified approach. If they cannot so agree, they may outline their
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21 ¹ If any party knows of any reason why the mandate is unlikely to issue in this matter, or
22 if the parties believe that it is unnecessary for the court to wait for the mandate before proceeding
to address the issue of mootness, they should so inform the court in writing on the docket as soon
as is practicable.

1 disparate suggestions in the joint status report. If for any reason the Ninth Circuit does
2 not issue a mandate, the court will revisit this order.

3 Dated this 9th day of April, 2018.

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JAMES L. ROBART

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United States District Judge